

Lee J. Davis (#7501)  
Tony G. Jones (#9181)  
**THE LAW OFFICE OF DAVIS & JONES, PC**  
5663 South Redwood Road, #1  
Taylorsville, Utah 84123  
Tel: (801)261-2244  
Fax: (801)261-2382  
Email: [ecfmail@davisjoneslegal.com](mailto:ecfmail@davisjoneslegal.com)

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH**

In re:  JOSHUA BRYAN MORRIS SSN: xxx-xx-6516	Case No. 18-25708  Chapter 13
Debtor(s).	Honorable Joel T. Marker  (Scheduled Confirmation Hearing: 10/18/18)

**PRECONFIRMATION MOTION TO MODIFY CHAPTER 13 PLAN  
AND TO CONFIRM SUCH PLAN WITHOUT NOTICE OR HEARING**

Under 11 U.S.C. § 1323, the debtor hereby modifies the most-recently filed Chapter 13 plan and moves the court for confirmation of the plan as modified without further notice and hearing. In support thereof, the debtor represents as follows:

1. The most recently-filed plan modified the original plan as follows:

<b>Part</b>	<b>Previously-Filed Plan Provision</b>	<b>Plan as Modified</b>
2.1	Plan payment of \$200.00 per month for 1 month, then \$410.00 for 23 months, then \$493.00 for 33 months.	Plan payment of \$200.00 for 1 month, then \$765.00 for 55 months.
2.5	Total amount of estimated payments is \$25,899.00.	Total amount of estimated payments is \$43,040.00.
3.1	LoanCare LLC listed with estimated arrears of \$8,000.00.	Increase estimated arrears to \$22,611.50.

2. The modification does not negatively impact priority, or nonpriority unsecured creditors because the return to these creditors is zero. The Debtor is increasing his monthly payment.

3. Under § 1323( c), any holder of a secured claim that has accepted or rejected the prior plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless the modification provides for a change in the rights of such holder from what such rights were under the plan before modification, and such holder changes such holder's previous acceptance or rejection.

THEREFORE, because the modification does not require notice to creditors, the debtor requests the court to confirm the plan as modified without notice or hearing.

DATED this 4<sup>th</sup> day of October, 2018.

**THE LAW OFFICE OF DAVIS & JONES, PC**

\_\_\_\_\_/s/Lee J. Davis\_\_\_\_\_

Lee J. Davis, Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on **October 4th, 2018**, an ECF emailed copy or a physical copy of this foregoing **Preconfirmation Motion to Modify Chapter 13 Plan and to Confirm such Plan Without Notice or Hearing** and all the attachments to the following: Those who accept electronic service will be served electronically.

Lon Jenkins, Chapter 13 Trustee (Electronic notice)  
ecfmail@ch13ut.org, [lneebling@ch13ut.org](mailto:lneebling@ch13ut.org)

Brian J. Porter (Electronic notice)  
on behalf of Creditor Castle & Cooke Mortgage, LLC  
brian@hwmlawfirm.com

\_\_\_\_\_/s/ Lee J. Davis\_\_\_\_\_